Management Board minutes

1 February 2021

Members

Paul Arnold	Deputy CEO and Chief Operating Officer
Ailsa Beaton	Non-executive Director
David Cooke	Non-executive Director
Elizabeth Denham	Information Commissioner (Chair)
James Dipple-Johnstone	Chief Regulatory Officer
Peter Hustinx	Non-Executive Director
Jane McCall	Non-executive Director
Simon McDougall	Deputy Commissioner Regulatory Innovation and Technology
Steve Wood	Deputy Commissioner (Regulatory Strategy)
Nicola Wood	Senior Independent Director

Attendees

Christopher Braithwaite	Senior Corporate Governance Manager (secretariat)
Louise Byers	Director of Risk and Governance
Peter Hayes	Advisor to the Commissioner and Executive Team
James Moss	Acting General Legal Counsel
Caroline Robinson	Corporate Governance Officer (secretariat)

1. Introductions and apologies

1.1. There were apologies from Jen Green who was unable to attend the meeting.

2. Declaration of interests

2.1. There were no declarations of interest.

3. Matters arising from the previous meeting

3.1. The minutes were confirmed as accurate. There were no outstanding actions.

4. Update from Senior Independent Director

4.1. Nicola Wood provided an oral update on work carried out since the last Board meeting including non-executive

directors' membership of Committees and the recruitment process for the appointment of a new Information Commissioner.

4.2. An update on her recent work with the Trade Unions was provided during the earlier informal session, to ensure that the Board are up to date on matters in this area.

5. Discussion items

EU Withdrawal Update

5.1. Steve Wood provided an oral update on current work in this area, including the adequacy bridge and the work planned for the next phase.

5.2. He explained that the EU Withdrawal Planning Group will continue to meet on a regular basis and governance would be reviewed later in the year.

Data from Pay Progression Window

5.3. Paul Arnold presented the report to provide the Board with data from the most recent pay progression window, to give the Board assurance on current pay information and that the career banding process has been followed.

5.4. The Board discussed the proportion of staff with disabilities or from a BAME background coming forward for assessment, which had been considered as a specific issue by the Pay Consistency Panel (PCP). It was confirmed that all protected characteristics were considered by the PCP during the process.

Information Access Management Report

5.5. Louise Byers presented the report highlighting the focus on the demand for the services, the type of requests received and the areas of interest for requests. She also highlighted the pro-active work carried out to make information more readily available and therefore help to reduce the number of requests.

Data Protection Complaints Caseload update

5.6. James Dipple-Johnstone presented the report providing an update on the current DP complaints caseload and work ongoing in this area..

5.7. The impact of the current lockdown on the helpline was highlighted, which was due to caring/home schooling responsibilities.

5.8. It was agreed that KPIs for call answering should be added to the report to provide the Board assurance in this area.

5.9. The Board discussed the options outlined in the report to help mitigate the reduction in capacity and agreed that would prefer not to restrict or close the public advice line temporarily.

Action: Suzanne Gordon to add call answering KPIs to the regular report

6. Quarter 3 performance reports

Capacity and Capability Plan

6.1. Update report on performance against the Capacity and Capability Plan was presented for information and discussion.

6.2. Paul Arnold and James Moss provided an update on proposals to expand level of the legal resources to provide a bigger in house legal service within the ICO.

6.3. The Board were happy with the format of the report and the level of detail provided.

7. Update from Chair of Audit and Risk Committee

7.1. Ailsa Beaton provided an update on the Audit and Risk Committee meeting which was held on 25 January, including review of the risk register, a request for a report to the next meeting regarding a deep dive into ICO's regulatory compliance to gain assurance that all legal requirements are being fulfilled, board succession planning, trust statement and progress on internal audits and procurement for internal auditors.

7.2. She highlighted that there was a new audit standards requirement in 2021 to assess all organisations as a going concern. The Audit Committee had been assured by the external auditors that they had were no current worries about the ICO as a going concern.

Action: Corporate Governance to arrange meeting with Ailsa Beaton, Roger Barlow and Nicola Wood to discuss recruitment of new Independent Audit Member.

8. Update to Audit and Risk Committee Terms of Reference

8.1. The Board considered proposed amendments to the Terms of Reference to change the name to the Audit and Risk Committee and amendments to the Commissioner's attendance.

8.2. The Board agreed the amendments to the Terms of Reference.

9. Management accounts

9.1. Paul Arnold presented the Quarter 3 Budget review and the December financial report, which had previously been considered by the Audit Committee, for information and assurance.

10. Risk and opportunity management

10.1. Louise Byers presented the Risk Appetite Statement which forms part of the annual review of the Risk Management Policy, which has been agreed at the Audit Committee.

10.2. The Board agreed the risk appetite statement. The Board also noted the importance of communication of this to staff, so that it was factored into decision-making.

10.3. The Board noted the updates to the risk and opportunity register since the last meeting, including two new risks to reflect key risks around regulatory action.

11. Any other business

11.1. Paul Arnold provided an update on the ICO Review and the work being carried out with DCMS.